

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

**MCI COMMUNICATIONS SERVICES,
L.L.C., and MCIMETRO ACCESS
TRANSMISSION SERVICES CORP.,**

Plaintiffs,

v.

**THE DIVERSIFIED UTILITY GROUP
L.L.C.**

Defendant.

Case No. 1:21cv00107

JOINT RULE 26(f) REPORT

1. Pursuant to Fed. R. Civ. P. 26(f) and LR 16.1(b), a meeting was held on March 11, 2021 via telephone and was attended by Anthony J. Jorgenson for Plaintiffs, and Sarah E. Carson for Defendant.

2. Initial Disclosures. In accordance with Rule 26(a)(1)(c), the parties will complete their Initial Disclosures by March 25, 2021, except to the extent initial documents cannot be produced, such documents will be identified by category and location.

3. Discovery Plan. The parties propose to the Court the following discovery plan:

A. Discovery will be needed on the following subjects: **(i) the allegations of Plaintiffs which have been denied by Defendant, (ii) Defendant's affirmative defenses; and (iii) Plaintiffs' alleged damages.**

B. Discovery shall be placed on a case-management track established in LR 26.1 as to the number of Interrogatories, Requests for Admissions, and deposition. There will be no limitation on the number of Request for Production of Documents.

C. The undersigned parties propose that the appropriate plan for this case (with any stipulated modification by the parties as set out below) is that designated in LR 26.1(a) as:

Complex

D. The date for the completion of all discovery (general and expert) is **Monday, September 13, 2021.**

E. Stipulated modifications to the case management track include:

None

F. Reports required by Rule 26(a)(2)(B) and disclosures required by Rule 26(a)(2)(C) are due during the discovery period:

From Plaintiffs by **July 15, 2021**

From Defendant by **August 15, 2021**

Supplementations will be as provided in Rule 26(e) or as otherwise ordered by the Court.

4. Mediation. Mediation should be conducted **early** in the discovery period, the exact date to be set by the mediator after consultation with the parties. The parties agree that the mediator shall be **Richard Conner.**

5. Preliminary Deposition Schedule. Preliminarily, the parties agree to the following schedule for depositions: **Depositions to begin May 1, 2021.**

The parties will update this schedule at reasonable intervals.

6. Other items.

Plaintiffs should be allowed until **April 15, 2021** to request leave to Join additional parties or amend pleadings.

Defendant should be allowed until **April 15, 2021** to request leave to join additional parties or amend pleadings.

After these dates, the Court will consider, *inter alia*, whether the granting of leave would delay trial.

The parties have discussed special procedures for managing this case, including reference of the case to a Magistrate Judge on consent of the parties under 28 U.S.C. §§ 636(c), or appointment of a master:

The parties do not, at this time, consent to trial by a Magistrate Judge

Trial of the action is expected to take approximately **2-3** days. A jury trial **has not** been demanded.

The parties discussed whether the case will involve the possibility of confidential or sealed documents.

 The parties agreed that no documents in this case will be designated confidential or filed under seal.

X The case may involve confidential or sealed documents and the parties have separately filed a LR 5.5 Report.

Dated: March 12, 2021

Respectfully submitted,

s/ Katie N. Wagner

Anthony J. Jorgenson

Katie N. Wagner

**HALL, ESTILL, HARDWICK, GABLE, GOLDEN
& NELSON, P.C.**

100 North Broadway, Suite 2900

Oklahoma City, Oklahoma 73102-8865

Telephone: (405) 553-2800

Facsimile: (405) 553-2855

Email: kwagner@hallestill.com

Michael J. Byrne, NC Bar #23577

EVERETT GASKINS HANCOCK LLP

P.O. Box 911

Raleigh, North Carolina 27602

Telephone: (919) 755-0025

Facsimile: (919) 755-0009

Email: mjbyrne@eghlaw.com

**ATTORNEYS FOR PLAINTIFFS, MCI
COMMUNICATIONS SERVICES, LLC AND
MCIMETRO ACCESS TRANSMISSION
SERVICES CORP.**

s/ Matthew E. Cox (with permission)

Matthew E. Cox, NC Bar #34781

SMITH, CURRIE & HANCOCK, LLP

1325 PARK STREET, SUITE 200

Columbia, South Carolina 29201

Telephone: (803) 999-1273

Email: mecox@smithcurrie.com

Sarah E. Carson, NC Bar #38618

SMITH, CURRIE & HANCOCK, LLP

311 New Bern Ave.

Raleigh, North Carolina 27611

Telephone: (803) 999-1273

Email: secarson@smithcurrie.com

**ATTORNEYS FOR DEFENDANT,
DIVERSIFIED UTILITY GROUP, LLC**

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of March, 2021, a true and correct copy of the above and foregoing Joint Rule 26(f) Report was filed with the Clerk of Court using the CM/ECF system, which will automatically serve all counsel of record as set forth below:

Matthew E. Cox, NC Bar #34781
SMITH, CURRIE & HANCOCK, LLP
1325 PARK STREET, SUITE 200
Columbia, South Carolina 29201
Telephone: (803) 999-1273
Email: mecox@smithcurrie.com

Sarah E. Carson, NC Bar #38618
SMITH, CURRIE & HANCOCK, LLP
311 New Bern Ave.
Raleigh, North Carolina 27611
Telephone: (803) 999-1273
Email: secarson@smithcurrie.com

s/ Katie N. Wagner _____
Katie N. Wagner

4802295.1:915100:02785